

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

1:18-CV-24227-CMA-Altonaga

JASON MILLER,	)
	)
Plaintiff,	)
	)
vs.	)
	)
GIZMODO MEDIA GROUP, LLC,	)
a Delaware Corporation, KATHERINE	)
KRUEGER, individually, and WILL	)
MENAKER, individually,	)
	)
Defendants.	)

**DEFENDANTS' UNOPPOSED MOTION FOR LEAVE TO FILE SUMMARY  
JUDGMENT MOTION IN EXCESS OF PAGE LIMIT**

Pursuant to Local Rule 7.1(c)(2) and the Court's Amended Scheduling Order (ECF No. 101), Defendants Gizmodo Media Group, LLC ("Gizmodo"), Katherine Krueger ("Krueger") (collectively, "Defendants") hereby move this Court unopposed for leave to file a twenty-five (25) page summary judgment motion and supporting memorandum of law. In support of this Motion, the Defendants state as follows:

**INTRODUCTION**

This action arises out of a September 21, 2018 news article reporting on a filing in the child custody battle between Plaintiff Miller and Arlene "A.J." Delgado, two senior advisors on then-candidate Trump's presidential campaign who engaged in a highly publicized affair that resulted in Delgado's pregnancy (the "Article"). This Court granted Defendants' Motion to Dismiss in part, dismissing Counts II-V of the Amended Complaints against Defendants. (ECF No. 110). Thus, only one cause of action for defamation per se remains.

## ARGUMENT

In accordance with Federal Rule of Civil Procedure 56 and Local Rule 56.1, Defendants will be moving for summary judgment by the dispositive-motion deadline, which is June 27, 2019. (ECF No. 101). Defendants' motion will seek summary judgment on multiple substantive grounds, addressed to each element of Plaintiff's purported defamation claim, and raising several constitutional arguments and necessary choice-of-law analysis for this Court's review. Although Defendants will endeavor to be as concise as possible, due to the comprehensive nature of the underlying facts and complex issues to be addressed in connection with the 130-page Amended Complaint and Exhibits, Defendants seek leave to exceed the page limitations imposed by Local Rule 7.1(c)(2). Specifically, Defendants request leave to file a motion for summary judgment and incorporated memorandum of law in excess of the twenty (20) page limit, up to and including twenty-five (25) pages.<sup>1</sup>

The additional five pages requested by Defendants will allow them to move for summary judgment in an organized, clear, efficient manner, and will thus materially assist the Court in considering its position. This Court has broad discretion to grant this request. *See AMG Trade & Distrib., LLC v. Nissan N. Am., Inc.*, No. 18-60062, 2019 U.S. Dist. LEXIS 84545, at \*17 (S.D. Fla. May 16, 2019) (granting additional eleven pages in excess of page limitations for summary judgment motion); *Galarza v. Carnival Corp.*, No. 15-24380, 2016 U.S. Dist. LEXIS 186905, at \*1 (S.D. Fla. Jul. 14, 2016) (J. Altonaga, granting unopposed motion for leave to file response to summary judgment motion in excess of 20 pages). In light of the foregoing, Defendants believe good cause exists for filing a motion for summary judgment which exceeds the page limitations in Rule 7.1, and Plaintiff will not be prejudiced thereby.

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<sup>1</sup> Defendants are not seeking to exceed the page limits proscribed in Local Rule 56.1(a)(1) with respect to the statement of facts.

**CONCLUSION**

For the reasons stated herein, Defendants respectfully request this Court grant Defendants leave to file a joint motion for summary judgment and memorandum of law totaling twenty-five (25) pages.

**CERTIFICATE OF GOOD FAITH CONFERENCE**

Pursuant to Local Rule 7.1(a)(3), counsel for the Gizmodo Defendants conferred with counsel for Plaintiff regarding the relief requested herein. Counsel for Plaintiff does not oppose the relief requested in this motion provided Plaintiff is afforded five additional pages for his response to Defendants' motion.

Respectfully submitted,

June 19, 2019

/s/ Elizabeth A. McNamara

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*Attorneys for Defendants Gizmodo Media  
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**CERTIFICATE OF SERVICE**

I hereby certify that on June 19, 2019, a true and correct copy of the foregoing has been served by CM/ECF on all counsel or parties of record on the service list.

/s/Deanna K. Shullman

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**SERVICE LIST**

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